

**UNITED STATES DISTRICT COURT  
IN THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**EDWARD ACUNA MESQUITI,  
TDCJ-CID #1107834  
Plaintiff**

**V.**

**ANDRES GALLEGOS, ET AL.  
Defendants**

§  
§  
§  
§  
§  
§  
§

**Civil No. CC-09-136**


**ORDER DENYING PLAINTIFF'S MOTION TO ALTER JUDGMENT**

In this case, Plaintiff Edward Mesquiti, a prisoner in the Texas Department of Criminal Justice, Criminal Institutions Division (TDCJ-CID), alleges Defendants used excessive force against him, in violation of 42 U.S.C. §1983. The Court issued an order granting summary judgment in favor of the Defendants (D.E. 25). Plaintiff filed a motion to alter judgment (D.E. 28). A Memorandum and Recommendation ("M&R") has been filed by the Magistrate Judge (D.E. 32). No objections have been filed to the M&R.

The Court regards such omission as Plaintiff's agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to the Magistrate Judge's M&R is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1420 (5th Cir. 1996)). The Court finds no clear error in the Magistrate Judge's memorandum and adopts her findings and conclusions.

Plaintiff's motion to alter judgment is DENIED (D.E. 28).

ORDERED this 23 day of July, 2010.

  
HAYDEN HEAD  
SENIOR U.S. DISTRICT JUDGE